

## **REMARKS/ARGUMENTS**

This is a Request for Continued Examination filed pursuant to the Office Action mailed May 12, 2005 in which claims 1-29 were rejected in a final action. Applicant respectfully traverses the rejection.

### **Objection to the Drawings**

The drawings stand objected to under 37 CFR §1.83(a). The drawings must show every feature of the invention specified in the claims.

Claims 2, 3, 17 and 18 have been cancelled. Claims 1 and 16 are shown for example in Figures 18-20. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

### **Rejection Under 35 U.S.C. §102(b)**

Claims 1, 5, 6, 8, 10-12, 14-16, 20-22, 24-26, 28 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by FR1376047 (1964).

In the rejection it is stated:

"The French reference depicts in Fig. -5 a pot covering comprising: a pot as cited, a banding element as cited and a preformed sleeve having a tapered shape (presumably initially flattened) and closed, non-gusseted lower end; the plant package as depicted in Fig. -5 is readable as dimensioned in the instant independent claims (a direct measurement of the pot rim diameter (1.3125 in.) and sleeve diameter (1.5625 in.) adjacent the pot rim, yields a 10% diameter differential, as cited in the instant claims)."

The claims as presented herein indicate that the upper end of the decorative preformed sleeve is positioned adjacent a lower portion of a floral grouping disposed within the pot such that the floral grouping is not enclosed by the sleeve.

All of the plant packages shown in the French reference show that the upper end of the sleeve is above the top of the floral grouping such that the floral grouping is enclosed by the upper portion of the sleeve. The French reference thus teaches a sleeve which is structurally and functionally contrary to the present invention.

Given that the French reference does not explicitly teach each and every element of the invention of the claims, such claims cannot be rejected under 35 U.S.C. §102(b) as anticipated by the French reference. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under §102(b).

#### **Rejection Under 35 U.S.C. §103(a)**

Claims 2-4, 9, 17-19 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over FR137047 (1964) in view of Charbonneau (US Des. 259,333), and claims 7, 13 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over FR 1376047 (1964) in view of Weder (US 5,581,938).

Applicant respectfully traverses the rejection for the reasons provided above in the response to the rejection under §102(b).

As noted above, the French reference teaches a sleeve which is structurally and functionally contrary to the present invention. A person of ordinary skill in the art would not modify the sleeve of the French reference in a manner so as to arrive at the presently claimed invention which would be contrary to the teachings of the French reference.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under §103(a).

### **Conclusion**

In view of the above, Applicant respectfully submits the claims are now in a condition for allowance and requests issuance of a Notice of Allowance thereof.

Respectfully submitted,



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